

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Chicago Specialties, LLC	)	<b>NOTICE OF VIOLATION</b>
Chicago, Illinois	)	
	)	<b>EPA-5-99-IL-21</b>
	)	
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act, 42 U.S.C.	)	
§ 7413(a)(1)	)	

---

**NOTICE OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Chicago Specialties, Limited Liability Corporation (Chicago Specialties), is violating the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. 40 C.F.R. § 52.23 states that the failure to comply with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources shall render the person or governmental agency failing to comply in violation of a requirement of an applicable State Implementation Plan.
2. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (PCB) Rule 103, as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
3. Illinois PCB Rule 103(a)(1) (35 Ill. Admin. Code § 201.142) prohibits construction of any new emission source or any new air pollution control equipment without a construction permit
4. On October 26, 1988, the Illinois Environmental Protection Agency (IEPA) issued a permit, pursuant to Illinois PCB Rule 103, Construction Permit No. 88070088 for the para-cresol afterburner at the facility. This permit requires that the afterburner temperature be maintained at greater than 1650

degrees Fahrenheit when the para-cresol process is operating.

5. On May 31, 1972, U.S. EPA approved Illinois PCB Rule 102 (35 Ill. Admin. Code § 201.141), as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
6. Illinois PCB Rule 102 states that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois.
7. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board Rule 101, as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
8. Illinois PCB Rule 101 defines air pollution as the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.
9. On May 31, 1972, U.S. EPA approved Illinois PCB Rule 105(a) (35 Ill. Admin. Code § 201.149) as part of the federally enforceable SIP for the State of Illinois. 37 Fed. Reg. 10842.
10. Illinois PCB Rule 105(a) states that no person shall cause or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the applicable standards or limitations, unless the current operating permit provides for operation during a malfunction or breakdown.
11. On April 2, 1996, U.S. EPA approved 35 Illinois Administrative Code (Ill. Admin. Code) § 218.501 as part of the federally enforceable SIP for the State of Illinois. 61 Fed. Reg. 14484.
12. 35 Ill. Admin. Code § 218.501 requires subject batch operations to reduce uncontrolled VOC emissions by an overall efficiency, on average, of 90 percent, per batch

cycle.

### **Chicago Specialties' Facility**

13. Chicago Specialties owns and operates a manufacturing facility, located at 735 East 115th Street, Chicago, Illinois, used to make synthetic organic chemicals, including para-cresol. Chicago Specialties emits several organic hazardous air pollutants (HAPs), including but not limited to para-cresol, meta-cresol, ortho-cresol, xylene, and toluene. These organic HAPs are also volatile organic compounds (VOCs).
14. Chicago Specialties' para-cresol manufacturing process is subject to the VOC regulations for batch processes in 35 Ill. Admin. Code 218.501; Illinois PCB Rules 101, 102, 103, and 105; and Construction Permit No. 88070088.
15. In response to a Request for Information from U.S. EPA on February 25, 1999, Chicago Specialties provided information on the operation of its para-cresol manufacturing process, including the hours of operation and operating temperatures of the afterburner control device.

### **Findings of Violation**

16. For the approximate time periods set forth below, Chicago Specialties operated the para-cresol manufacturing process during malfunction or breakdown of the para-cresol process afterburner control device, in violation of Illinois PCB Rule 105(a):

<u>Year</u>	<u>Approx. Min. of Afterburner Malfunction or Breakdown When Para-Cresol Operation was Operating</u>
1995	3,494
1996	12,664
1997	14,306
1998	15,706

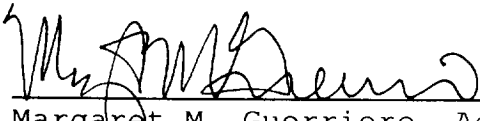
17. During the time periods that the para-cresol afterburner was not operating and based on numerous citizen complaints of air pollution and odors from the facility, Chicago Specialties caused, threatened or allowed the discharge or emission of contaminants into the air which tended to cause air pollution, in violation of Illinois PCB Rule 102.
18. In various instances, when the para-cresol afterburner was not operating, as described in paragraph 16, above, Chicago Specialties failed to control VOC emissions from the para-cresol batch operations by 90 percent per batch cycle, in violation of 35 Ill. Admin. Code § 218.501. In fact, during the following time periods, the afterburner control device malfunctioned or broke down for longer than the entire batch cycle time of approximately 600 consecutive minutes:

<u>Start</u> <u>Date</u>	<u>Number of Minutes Afterburner Malfunctioned</u> <u>or Broke Down for More than 600 Minutes</u> <u>When Para-Cresol Operation was Operating</u>
3/13/95	1034
3/25/95	900
4/8/96	1109
4/9/96	690
8/7/96	824
8/8/96	900
9/28/96	990
9/29/96	810
9/30/96	840
2/27/97	1504
2/28/97	810
3/20/97	775
4/17/97	720
4/20/98	1310
4/21/98	1405
5/25/98	1235

19. For the approximate time periods set forth below, Chicago Specialties failed to maintain the temperature of the para-cresol afterburner at greater than 1650 degrees Fahrenheit, in violation of Construction Permit No. 88070088:

<u>Year</u>	<u>Approx. Min. Temperature Was At or Below 1650 F</u>
1995	1,335
1996	12,545
1997	12,637
1998	14,286

5/27/99  
Date

  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division